

LEGAL NOTICE BY ORDER OF
THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

NOTICE OF PENDENCY OF CLASS ACTION

To: Any member of a health benefit plan that is administered by Aetna and subject to ERISA who received chiropractic or physical therapy services and was improperly charged an administrative fee

READ THIS NOTICE CAREFULLY – YOUR RIGHTS MAY BE AFFECTED BY A CLASS ACTION LAWSUIT PENDING IN THIS COURT

A federal court authorized this notice. This is not a solicitation from a lawyer.

- You are receiving this Notice because your rights may be affected by a class action lawsuit regarding covered benefit claims for chiropractic or physical therapy services that you submitted under a health care plan insured or administered by Aetna (an “Aetna Plan”). If, in connection with such claims, Aetna imposed a fee for administrative services performed by its vendor OptumHealth Care Solutions, Inc. (“Optum”), you may be a member of the two classes certified by the Court in this lawsuit: (i) a class of plan members who paid more than they should have (referred to herein as the “Member Class”); and/or (ii) a class of plan members whose Aetna Plans paid more than they should have (referred to herein as the “Plan Class”). This Notice refers to the Member Class and Plan Class together as the “Classes.”
- The lawsuit is pending in federal court in Asheville, North Carolina (the “Court”). The Court has ordered this Notice be sent to you. The purpose of this Notice is to inform you how the lawsuit may affect your rights and what steps you may take. This Notice is not an expression by the Court of any opinion as to the merits of any of the claims or defenses in this lawsuit.
- Your rights and options – and the deadlines to exercise them – are explained in this Notice. **Please read it carefully.**

YOUR LEGAL RIGHTS AND OPTIONS		
DO NOTHING	You do not need to do anything to be included in the Classes. As a member of the Classes, you may be entitled to remedies that the Court awards (if any).	

QUESTIONS? CALL _____ TOLL FREE, OR VISIT WWW.XXXXXXXXXXXXXXX.COM

-1-

OPT OUT	If you do not wish to be part of the Classes, you can exclude yourself (“opt out”). If you opt out, you will not be entitled to remedies that the Court awards (if any). You will, however, keep any rights you currently have to sue Aetna and/or Optum about the subject matter of the lawsuit.	[add deadline]
----------------	---	----------------

1. Why should I read this Notice?

- This Notice provides a summary of the lawsuit. It also describes who is eligible to be included in the Classes; the effect of staying in the Classes; the effect of opting out of the Classes; and how to opt out if you want to.
- You and/or your Aetna Plan may be entitled to relief, including but not limited to monetary relief, that the Court awards (if any). However, there is no assurance that either of the Classes will obtain any relief.
- **Your legal rights will be affected whether you act or do nothing.**

2. What is a class action and who is involved?

- In a class action lawsuit, one or more “class representatives” sue on behalf of themselves and other people who have similar claims. Together, the class representatives and other people who have similar claims are called a “class” or “class members.” In a class action, one court may resolve the claims for all class members. The class representative in this case is Sandra Peters (“Plaintiff” or “Ms. Peters”).

3. What is this lawsuit about?

- This is a civil lawsuit filed by Ms. Peters in the United States District Court for the Western District of North Carolina, Asheville Division. The defendants are Aetna, Inc., Aetna Life Insurance Company, and OptumHealth Care Solutions, Inc. (the “Defendants”).
- As detailed in Plaintiff’s complaint, Ms. Peters alleges that she was a member of an Aetna Plan and that when she obtained covered chiropractic or physical therapy services, Defendants violated the Employee Retirement Income Security Act (“ERISA”) by failing to adhere to the written terms of her Aetna Plan, misrepresenting and misinterpreting Optum’s

QUESTIONS? CALL _____ TOLL FREE, OR VISIT WWW.XXXXXXXXXXXXXXX.COM

-2-

administrative fees as medical expenses, and improperly collecting those fee from her and her Aetna Plan. Ms. Peters brought the case as a putative class action, and sought a variety of remedies to redress Defendants' alleged misconduct.

- On June 5, 2023, the Court certified the Classes and appointed Ms. Peters as class representative for both Classes. The Court found Ms. Peters was subject to the same conduct on her health benefit claims as the rest of the Classes, and can adequately represent the interests of both Classes.
- Defendants deny any and all liability to the Classes.

4. Who is a member of each class?

- The Member Class is defined as: "All participants or beneficiaries of ERISA health insurance plans insured or administered by Aetna for whom coinsurance responsibility for a claim was assessed using an agreed rate between Optum and Aetna that exceeded the provider's contracted rate with Optum for the treatment provided."
- The Plan Class is defined as: "All participants or beneficiaries of self-insured ERISA health insurance plans administered by Aetna for which plan responsibility for a claim was assessed using an agreed rate between Optum and Aetna that exceeded the provider's contracted rate with Optum for the treatment provided."

5. Who protects the interests of the Classes?

- The interests of the Classes are represented by the class representative (Ms. Peters) and Plaintiff's counsel. The Court appointed two law firms ("Class Counsel") to represent the classes. These firms are Zuckerman Spaeder LLP, 1800 M Street, NW, Suite 1000, Washington D.C. 20036 and The Van Winkle Law Firm, 11 N. Market Street, Asheville, NC 28801.

6. How are Class Counsel paid?

- Class Counsel have agreed to pursue this lawsuit on a contingent fee basis. At the conclusion of the case and if appropriate, Class Counsel will ask the Court to order Defendants to pay Class Counsel's fee and expenses.

7. How do I participate in this class action?

QUESTIONS? CALL _____ TOLL FREE, OR VISIT WWW.XXXXXXXXXXXXXXX.COM

- If you fall within the definition of the Classes, you are a Class Member unless you opt out (as described below). As a Class Member, you may be eligible to receive relief, including but not limited to monetary relief, obtained by the Classes. However, you will be bound by any judgment in this lawsuit and you will not be able to obtain different or additional relief from that obtained by other Class Members. And win or lose, if you stay in the Classes, you will not be able to bring your own legal claim(s) against Defendants relating to the subject matter of this case. You will also be bound if an unfavorable judgment is rendered in favor of Defendants.

- **IF YOU WISH TO REMAIN IN THE CLASSES, YOU DO NOT NEED TO DO ANYTHING.**

8. How can I exclude myself (“opt-out”) from the Classes?

- If you wish to be excluded from the Classes, you must submit an opt-out request. **If you choose to opt out, you will not be eligible to share in any relief obtained by the Classes. And you could, at your own expense, bring your own legal claim(s) against Defendants relating to the subject matter of this case.**
- To opt out of the Classes, you must send a written opt-out request to: Peters Class Notice Administrator, c/o [ADD ADDRESS]. Your opt-out request must (i) set forth the name and address of the person requesting exclusion, (ii) state that such person requests exclusion from the Classes, and (iii) be signed and dated by such person. **Your request must be postmarked by [ADD DATE].**
- **Only submit an opt-out request if you do NOT wish to participate in the Classes and do NOT want to be eligible for any remedies obtained by the Classes.**

9. How and when will the Court decide who is right?

- The trial is scheduled for November 12, 2024. Following the trial, the Court will decide who wins, and how much (if any) relief is owed to the winning side. There is no guarantee that Plaintiff will win or that she will obtain any relief for the Classes.
- You do not need to attend the trial. Class Counsel and the class representative will present the Plaintiff’s case on behalf of the Classes. You or your own lawyer may attend the trial at your own expense.

10. How do I get more information?

QUESTIONS? CALL _____ TOLL FREE, OR VISIT WWW.XXXXXXXXXXXXXXX.COM

- Additional information about this lawsuit, including copies of Plaintiff's complaint, the Defendants' answers to the complaint, the Court's Order Granting Motion for Class Certification, and other important filings, is available at www.XXXXXXXXXXXXX.com.
- Any questions you have concerning the matters contained in this Notice should be directed to the Notice Administrator. **DO NOT CALL THE COURT, THE DEFENDANTS, OR THE DEFENDANTS' COUNSEL.**

Class Counsel:

Andrew N. Goldfarb
Nell Z. Peysner
ZUCKERMAN SPAEDER LLP
1800 M Street, NW, Suite 1000
Washington, DC 20036
Tel: (202) 778-1800

Larry S. McDevitt
David M. Wilkerson
THE VAN WINKLE LAW FIRM
11 N. Market Street
Asheville, NC 28801
Tel: (828) 844-7169

Notice Administrator:

[add details]

- This Notice does not fully describe all of the claims and contentions of the parties. The pleadings and other papers filed in this lawsuit are available for inspection during business hours at the United States District Court, 100 Otis Street, Asheville, NC 28801.

11. Correcting your mailing address

- If this Notice was sent to your correct mailing address, you do not have to do anything to receive further notices concerning this litigation. If this Notice was forwarded by the postal service, or if it was sent to an individual or address that is not correct or current, you should immediately contact the Notice Administrator as provided in Section 10 above.

QUESTIONS? CALL _____ TOLL FREE, OR VISIT WWW.XXXXXXXXXXXXX.COM

-5-